

**REMARKS**

Claims 1-5, 7-11, 13-28, 30-31, and 33-49 are currently pending in the present application, with Claim 1-5, 7-11, 13-28, 30-31, and 38-39 being amended, and Claims 40-49 being added. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claims 1-4, 7-10, 13-28, 30-31, and 33-36 under 35 U.S.C. § 103(a) as being unpatentable over Toriumi (U.S. Patent No. 6,062,868) in view of Hasegawa (U.S. Patent No. 6,570,080). This rejection is respectfully traversed with respect to the amended claims.

As discussed in the previous communications, the present invention is directed an apparatus and method for converting and delivering musical content information between a client terminal and a server that is connected to the client terminal over a communication network. As also previously discussed, in one aspect of the invention (as recited in Claims 1 7, 13, and 16), content information of a music piece, such as MIDI data, is sent to the server from the client terminal. As reflected in the claim amendments, the server then uses the received content information to create new content information by imparting music information to the melody information of the content.

For instance, as discussed previously, the client terminal may send to the server content information of a right-hand performance of a music piece. The server then converts the received content information by imparting additional content information to the received content information, such as adding the left-hand performance of the same music piece. The server then delivers back to the client terminal the two-hand performance of the music piece.

The Examiner indicated in the office action that while this argument may be convincing, it was not reflected in the claims. Applicants respectfully submit that the claims, as presently amended, contain patentable subject matter. Specifically, neither Toriumi nor Hasegawa contain any disclosure or suggestion of creating new content information to be provided by a server to a

client terminal by, inter alia, imparting music information into content information received from the client terminal.

With respect to Claims 27-36, Applicants again respectfully traverse the Examiner's rejection in that neither one of the reference teach or suggest a client terminal transmitting music-composing parameter information to a server and receiving back, from the server, music content information that is indicative of a music piece composed on the basis of the received parameter information. With respect to these claims the Applicants respectfully requests the Examiner to reconsider the rejection.

In view of the above, Applicants respectfully submit that Claims 1-4, 7-10, 13-28, 30, 31, and 33-36 are not obvious in view of Toriumi and Hasegawa.

The Examiner objected to Claims 5 and 11 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim. In view of the above that the independent claims are in condition for allowance, Applicants respectfully submit that Claims 5 and 11 are in condition for allowance without further amendments.

New Claims 40-49 are added to claim further details of the present invention, and are respectfully submitted as in condition for allowance.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the

cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit**

**Account No. 03-1952** referencing docket no. 393032025300.

Dated: August 2, 2005

Respectfully submitted,

By 

David T. Yang

Registration No.: 44,415

MORRISON & FOERSTER LLP

555 W. Fifth Street, Suite 3500

Los Angeles, CA 90013

(213) 892-5587

Attorney for the Applicants